

PATENT

60014-14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Sanford M. Stevenson** Examiner: **P. Hruskoci**

Serial No.: **09/268,465**

Group Art Unit: **1724**

Filed: **March 16, 1999**

For: **METHOD AND APPARATUS FOR REMOVING METAL COMPOUNDS  
FROM WASTE MATERIAL**

Commissioner of Patents  
and Trademarks

Assistant Commissioner for Patents  
Washington, DC 20231

January 31, 2001

Sir:

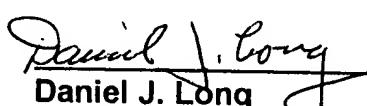
Information Disclosure Statement

In view of Pfaff v. Walls Electronics, Inc., 525 U.S. \_\_, 119 S. Ct. 304 (1998), applicant discloses that more than one year prior to the filing date of the parent of this application, applicant received a request for a quote based on drawings. At that time, there had been experimental tests on waste water contaminated very predominantly with a ferromagnetic metal (iron), but the applicant had never tried the invention on waste water contaminated with non-ferrous metal. Because of the differences with magnetic properties between ferromagnetic metals such as iron and non-ferrous metals, it was not scientifically predictable that the invention would remove non-ferrous metals before it has been tried on non-ferrous metals merely because it worked on a ferromagnetic metal. Consequently, the applicant was not able, at that point, to know the full scope of the invention.

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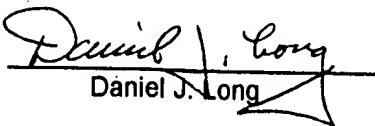
The invention was not successfully tried on a non-ferrous metal (copper) until well after the critical date. Consequently, the invention was not yet ready for patenting until it had been tried on non-ferrous metals, which did not occur until less than one year prior to the filing date of the parent application per the second requirement of Pfaff. See Tec Air, Inc. v. Denso Manufacturing, Inc., 192 F3d. 1353, (Fed. Cir. 1999) and Scaltech, Inc. v. Teteel Tetra L.L.C., 178 F.3d 1378, 51 USPQ 2d 1053 (Fed Cir. 1999).

Respectfully submitted,

  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on January 31, 2000

  
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Date: January 31, 2000